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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/947,221	10/08/1997	SOUMEN CHAKRABARTI	AM9-97-120	5693

7590 07/26/2005  
JOHN L. ROGITZ, ESQ.  
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750 "B" STREET, SUITE 3120  
SAN DIEGO, CA 92101

EXAMINER

LE, UYEN T

ART UNIT PAPER NUMBER

2163

DATE MAILED: 07/26/2005

*[Handwritten signature]*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/947,221

Applicant(s)

CHAKRABARTI ET AL.

Examiner

Patrick J Santos

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>23</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

**DETAILED ACTION**

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John L. Rogitz on 08 September 2004.

The application has been amended as follows:

Claim 12, first line, – computerized – has been inserted between “A” and “method”.

***Prosecution Reopened***

2. Prosecution on the merits of this application is reopened after the Board Decision mailed 5/30/03. Upon consultation with other examiners, the Examiner of record was made aware of a very pertinent reference Chislenko et al. (US 6,041,311) that prevents indication of allowability of the claimed subject matter of Claim 12. The Office regrets any inconvenience this delayed Action may cause Applicant.

37 C.F.R. § 1.198 governs reopening of prosecution after decision. The rule specifies that, “Cases which have been decided by the Board of Patent Appeals and Interferences will not be reopened or reconsidered by the primary examiner except under the provisions of § 1.114 or §

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1.196 without the written authority of the Director, and then only for the consideration of matters not already adjudicated, sufficient cause being shown.”

In the instant case, the rejection of the instant claim over the newly cited U.S. Patent No. 6,041,311 is not a matter already adjudicated. The rejection set forth below demonstrates sufficient cause to reopen prosecution.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,041,311 issued to Chislenko et al. (hereafter Chislenko ‘311).

Claim 12:

Chislenko ‘311 discloses:

A computerized method for eliciting information, useful to a user,

[Examiner Comment and Citation: Recommending items where the items recommended make use of a means to accurately predict user ratings is the eliciting information useful to a user of applicant. (Chislenko ‘311 – col. 2, lns. 5-10)],

from first and second collections of entities or resources

[Examiner Comment and Citation: Users constitute a first collection of entities, and items constitute a second collection of entities. (Chislenko '311 – col. 2, lns. 11-18; col. 2, lns. 18-20)]

with explicit and/or implicit, static and/or dynamic relations therebetween

[Examiner Comment and Citation: User ratings of items constitute a relationship between users and items. User profiles may explicitly store ratings (Chislenko '311, col. 3, lns. 41-44) or ratings may be inferred by the algorithm of Chislenko '311 (Chislenko '311, col. 3, lns. 51-53). Furthermore, tastes and preferences may change thus supporting either static or dynamic relations values (Chislenko '311: col. 3, lns. 34-36). See generally Chislenko '311 – col. 3, lns 15-57.]

the method comprising the acts of:

- obtaining the first collection of entities and the second collection of entities;

[Examiner Citation: (Chislenko '311 – col. 3, lns. 15-18; col. 4, lns. 56-57)]

- obtaining affinity values, including for each given one of the entities, a respective affinity value for the given entity and each respective one of the other entities of the collection, the affinity values not being constrained to be symmetric;

[Examiner Comment and Citation: Note that the user rating of items is not a symmetric relation. Specifically users rate items but items do not rate users.

Further note Applicant discloses a similar asymmetric example of movie ratings and viewers in his Appendix #3. (Chislenko '311: – col. 3, lns. 15-18; col. 4, lns. 56-57)]

- initializing significance values for each of the entities;

[Examiner Comment and Citation: The distance to a centroid of an item group is a value used to determine a set of items that are similar and is a significance value of applicant as disclosed in the written disclosure of the specification. The characteristics of a significance value and a centroid are as follows:

**Scalar Value** – Applicant’s significance value is a scalar value based on a set of values at a given time (Specification: p. 12, ln. 6). The distance from the centroid of an item group is a scalar value dependent on the item group values at a given time (Chislenko ‘311: col. 10, ln. 59).

**Ranking** – Applicant’s significance value indicates a ranking of “goodness” or “desirability” (Specification: p. 12, lns. 8-10). Regarding the centroid distance, the closer a value is to the centroid, the more desirable, or more similar, that value is (Chislenko ‘311: col. 10, ln. 49).

**Based on Affinities and/or Similarities** – Applicant’s significance value is based on affinities and/or similarities (Specification: p. 12, lns. 14-15). The centroid distance is based on item rankings which are affinities (Chislenko ‘311: col. 10, ln. 52, lns. 54-57).

**Iterative** – Applicant’s significance value is iteratively calculated (Specification: p. 12, lns. 21-22). The centroid distance is calculated and recalculated iteratively (Chislenko ‘311: col. 10, lns. 61-64) until a threshold is met (Chislenko ‘311: col. 10, ln. 63).

Since centroid distances are significance values the initial calculation of the centroids of the item ratings and the corresponding update of centroid distances, is

the initializing significance values of applicant. Examiner observes that although a significance value may address multiple items, and an item may impact multiple significance values, all the entities are addressed. (Chislenko '311: – col. 10, lns. 48-57)]

- iteratively calculating updated significance values for each entity, based on the affinities and on the significance values prior to the iterative update, until a predetermined condition is reached;

[Examiner Comment and Citation: Because centroid measures are significance values and because ratings are affinity values, iterating calculations of the centroids, where the calculation is based on ratings, is iterating calculations of a significance value based on affinity values. Furthermore, as stated above, a predetermined threshold (Chislenko '311 – col. 10, ln. 63) is applicant's iterating until a predetermined condition is met. (Chislenko '311 – col. 10, lns. 57-64)]

and

- obtaining the useful information based on the significance values after the final iteration of the act of iteratively calculating .

[Examiner Comment and Citation: After the final iteration, the items to recommend are extracted from a determination of which group centroid each item is closest to. This determination is accomplished only after the iterative algorithm of Chislenko '311 (Chislenko '311 – col. 10, lns. 57-64) terminates. (Chislenko '311 – col. 10, lns. 57-60).]

*Allowable Subject Matter*

5. Claims 1-11 are allowed following the decision of the Board of Appeals and Interferences on 30 May 2003.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

F. Gebhardt, "Discovering Interesting Statements from a Database." Applied Stochastic Models and Data Analysis, Vol. 10, 1994, 14 pages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J Santos whose telephone number is 571-272-4028. The examiner can normally be reached on M-F 8:00-4:30.

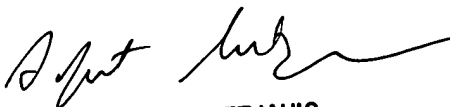
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BS

Patrick J.D. Santos  
May 23, 2005

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

*Approved for reopening.*  
*Admell, ACT. DIRECTOR*  
*TC2100*